

12.
ADDRESS

TO

THE MEMBERS OF THE

UNITED CHURCH

OF

ENGLAND AND IRELAND,

FROM

DELEGATES

TO THE

Synod of the Diocese of Quebec.

*Shewing that in the regulation and management of the affairs of
the Church, the concurrence of the Bishop is essential.*

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QUEBEC :  
PRINTED AT THE MERCURY OFFICE.

1859.



**ADDRESS**

TO THE

**MEMBERS OF THE**

**CHURCH OF ENGLAND.**

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At a Meeting of Lay Delegates, members of the Synod of the Diocese of Quebec, which took place in the City of Quebec, on the Seventh of May last, to consider the course to be adopted in opposition to views and opinions disseminated by an association of persons styling itself "The Church of England Lay Association," a Committee was named, composed of James Bell Forsyth, Frederick Andrews, Horatio Nelson Jones, Thomas Glover, George Irvine, T. H. Dunn, and George Okill Stuart, Esquires, to report upon the subject at the call of Jesse Armstrong, Esquire, the Chairman of the Meeting.

AND

On the Seventeenth day of June, one thousand eight hundred and fifty-nine, the same members having

again assembled, with an accession to their number from subsequent elections of Delegates to the Synod, there were present :

|                           |                    |
|---------------------------|--------------------|
| J. Armstrong, Chairman,   | Henry May,         |
| Henry LeMesurier,         | Thomas Glover,     |
| George Okill Stuart,      | Robert Hamilton,   |
| J. W. Dunscomb,           | George Irvine,     |
| J. B. Forsyth,            | Frederick Andrews, |
| H. N. Jones,              | Leveson Sewell,    |
| Hon. George Pemberton,    | Alfred Rich,       |
| George Chapman,           | George Sample,     |
| Alex. J. Davidson,        | W. Sturrock,       |
| J. J. Hatherly,           | G. Campbell        |
| Thomas Cary,              | James Stevenson,   |
| Joseph B. Forsyth,        | P. A. Shaw, N. P.  |
| J. Greaves Clapham, N. P. | James Grist,       |
| Benjamin Cole,            | John Boomer,       |
| George T. Cary,           | Edwin A. Jones,    |
| James Dunbar,             | T. H. Dunn,        |
| William Petry,            | Henry Pratton,     |
| Archibald Campbell, N. P. | S. Pope.           |

The following gentlemen were unavoidably prevented from being also present at the meeting.

|                    |                  |
|--------------------|------------------|
| Dr. G. M. Douglas, | Octavius Rooke,  |
| Hon. H. Black,     | Hon. W. Walker,  |
| James Parke,       | W. Rhodes,       |
| Henry Burstall,    | R. H. Smith,     |
| M. H. Warren,      | W. Jenkins,      |
| H. S. Anderson,    | J. Giles,        |
| P. V. Robin,       | J. Colston,      |
| R. W. Longmuir,    | Walter Scougall, |
| H. P. Leggatt,     | W. Price.        |

The following was reported as an

# ADDRESS

TO

*The Members of the Church of England in the  
Diocese of Quebec.*

Publications have issued from a number of persons, styling themselves "The Church of England Lay Association." These have been accompanied by a form of Constitution, recommended to members of the United Church of England and Ireland for their adoption at the approaching session of the Synod at Quebec. As these documents were issued to influence the elections and to induce the clergy and laity of Quebec to set up such pretensions as will, if acquiesced in by the Bishop, Clergy and Laity, annihilate the office of Bishop in this Diocese, and divest him of the power held and exercised, not only by the Bishops in England but by every Anglican Bishop in the Queen's dominions, it has been deemed proper to issue this address, stating some reasons why the Constitution of the above mentioned Association should be opposed and one different substituted in its place.

It was, at first, imagined, by the leading members of the association, that under the statute 19th and 20th Victoria, authorizing the members of the United Church of England and Ireland in Canada, to meet in Synod, the Clergy and Laity were to meet, vote together, and conduct the affairs of the Diocese by a majority of the mass. This unprecedented assumption of the Laity to over-ride and control the Bishop and Clergy, by the vote of numbers, although strenuously insisted upon at the first meeting, is now

abandoned, and the right to vote by orders, as respects the clergy and laity when demanded, is conceded.

The pretension at present is, that the powers conferred by the statutes on the Bishops, Clergy and Laity, should be exercised by the Clergy and Laity, to the exclusion of the Bishop, in the following terms of an article of a proposed Constitution for the Diocese of Quebec.

"In all matters brought before the Synod a majority of votes of the members present shall be decisive, and, if required by the members, the two orders shall vote separately; in which case, the concurrence of a majority of each order shall be necessary to constitute a decision; the delegation from each cure being entitled to but one vote."

By this plan (supposing the Clergy and Laity, even with the assent of the Bishop, have the power to adopt it, which is denied,) the Bishop of the Diocese of Quebec would be reduced in rank to the position of a parish priest or minister; the main element of episcopacy, one most essential in the constitution of the United Church of England and Ireland, would be removed, and the power of the episcopate vested in the Clergy and Laity.

It is not now intended to enter into the whole of the merits of the episcopal veto, but to ascertain, in a practical and legal point of view, whether it is inherent to the office of a Bishop of the Church, and whether a Bishop can, with or without his consent, be divested of it.

That the subject may be properly understood, it is material to shew, what the powers incident to the office of Bishop are, whence they have been derived, how these powers are affected by the Statute 19th and 20th Victoria, chapter 121, the manner in which other Synods, composed of Members of the United

Church of England and Ireland, have acted throughout the British possessions, particularly those in Canada constituted under the same statute, and what the effect will be, if a majority of the Clergy and Laity of this diocese insist upon imposing on the Bishop the form of Constitution which has been adverted to.

The Right Reverend Jacob Mountain, Doctor of Divinity, was appointed the first Bishop of the Diocese of Quebec, then comprising the present Dioceses of Quebec, Montreal, Toronto and Huron, by Letters Patent from the Crown, bearing date the 28th day of June, 1793 ; and, in this instrument, the powers conferred upon the Bishop were enumerated as follows :

“ And we do by these presents give and grant to the said Jacob Mountain and his successors, Bishop of Quebec and its dependencies, full power and authority to confer the Orders of Deacon and Priest, to confirm those that are baptised and come to years of discretion, and to perform all the other functions peculiar and appropriate to the office of a Bishop ; such Bishop and his successors having been first duly ordained or consecrated Bishops, according to the form prescribed by the Liturgy of the Church of England, and also by him or themselves, or by his or their Commissary or Commissaries, to be by him or them substituted and appointed, to exercise jurisdiction, spiritual and ecclesiastical in and throughout the said See and Diocese, according to the laws and canons of the Church of England, which are lawfully made and received in England in the several causes and matters hereafter in these presents expressed and specified and no other ; and, for a declaration of our Royal will concerning the special causes and matters in which we will that the aforesaid juris-



diction shall be exercised, We have further given and granted, and do by these presents give and grant to the aforesaid Bishop and his successors, full power and authority by him or themselves, or by his or their sufficient Commissaries, by him or them to be substituted and named, to give institution to Benefices and grant licenses to Curates, and to visit all Rectors, Curates, Ministers and incumbents of the Churches within their said Diocese, wherein Divine Service shall be celebrated according to the rites and liturgy of the Church of England, and all Priests and Deacons in Holy Orders of the Church of England resident in their said Diocese, with all and all manner of jurisdiction, power and coercion Ecclesiastical, that may be requisite in the premises, as also to call before him or them, or his or their Commissary, or Commissaries, at such competent days, hours and places whatsoever, when and as often as to him or them, or his or their Commissary or Commissaries shall seem meet and convenient, the aforesaid Rectors, Curates, Ministers, Incumbents, Priests or Deacons in Holy Orders of the Church of England, or any of them, and to enquire by witnesses to be sworn in due form of law by him or them, or by his or their Commissary or Commissaries, and by all other lawful ways and means by which the same may by law be best and most effectually done, as well concerning their morals as their behaviour in their said offices and stations respectively, as also to administer all such oaths as are accustomed to be taken in Ecclesiastical Courts, and to punish and arrest the aforesaid Rectors, Curates, Ministers, Incumbents, Priests and Deacons in Holy Orders of the Church of England, according to their merits, whether by removal, deprivation, suspension or other such Ecclesiastical censure or correction as they may be liable to, according to the canons and laws Ecclesiastical aforesaid."



These powers have been, substantially, conferred on the Bishops of Quebec, Montreal, Toronto, and Huron, by the Letters Patent from the Crown appointing them respectively.

The Statute 19th and 20th Victoria, by no means divests the Bishops of these powers; on the contrary, it confirms them by leaving it to the members of the United Church of England and Ireland, meeting in Synod, the Bishop, Clergy and Laity, to regulate how they shall be exercised, conferring on the Clergy and Laity a concurrent and restraining, but no controlling power, in the matters specified in the statute. Until the Bishop, Clergy and Laity agree, in the form of a Constitution, how these powers are to be exercised, the Bishop will hold and exercise them as he has heretofore done, they being the powers which the Queen, as the head of the United Church of England and Ireland, has conferred upon him.

That there may be no misapprehension on this head the language of the statute should be referred to: it is in these terms—"The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in their several dioceses which are now or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame Constitutions, make regulations for enforcing discipline in the Church for the appointment, deposition, deprivation or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs and interest of the Church in matters relating to and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges or interests of other com-

munities, or of any person or persons not being a member or members of the said United Church of England and Ireland."

This provision is permissive only, not imperative. The Bishop, Clergy and Laity, in any diocese, may remain completely passive, if they see fit, leaving their Bishop in the full exercise of his authority; or they may be active and give effect to the statute by agreeing to such a Constitution as will afford to the Clergy and Laity a participation in the same powers of which he is now in the full possession. If there be an attempt in one of the orders of the Synod, either of the Clergy or Laity, so to subvert the authority and virtually abolish the office of Bishop, by depriving him, not simply of power actually possessed, but even of a negative power on the proceedings of the other two orders in the Synod, at a time when he is in possession of the whole and expresses his willingness to admit of a participation in it, the consequence must necessarily be that the Clergy and Laity can expect no share whatever.

The Bishop has no power to change the nature of his office, as recognized by the law of England, or yield to the Clergy or Laity, the power vested in him by the Crown. The Statute certainly gives him no such authority, and if he becomes divested of his power as Bishop, and the same be allowed to sink into the Clergy and Laity, he ceases to be a Bishop of the United Church of England and Ireland. Episcopacy is of the very essence of that Church, and if the power appertaining to it be taken away and vested in the clergy and laity, or either of them, it loses at once its Episcopalian character in the persons who repudiate it, and they, virtually, become either Presbyterians or Congregationalists, or, most probably, a compound of each.

The Statute recognizes no other persons than members of the United Church of England and Ireland as having a right to form themselves into a Synod under its provisions. If the Synod at Quebec assumes a Congregational, or other form of Church government and discipline, which it will do if it discards the Episcopal authority, the statute no longer applies to them, and they will have no power under it, they will then cease to be members of the United Church of England and Ireland, and all control over the members of that Church and their property will cease.

The establishment of Synods originates with the Bishops themselves. They have expressed their willingness to share their power with the Clergy and Laity. A section of the Laity in the Diocese of Quebec have raised an agitation to secure the whole, nominally, for the Clergy and Laity, to result, if the principles they advocate be carried out, in the Clergy being ultimately deprived of their share. No Synod, composed of members of the United Church of England and Ireland, has ever entertained an idea that the Bishops either could be, or ought to be, degraded in their office by transferring their powers to the Clergy and Laity. On the contrary, every Synod, composed of members of the United Church of England and Ireland, recognizes the episcopal authority, as a matter of course, in terms the most express, as the following examples will shew:—

The Diocese of *Toronto* contains this provision,—  
 “No act or resolution of the Synod shall be valid without the concurrence of the Bishop and of the majority, both of the Clergy and of the Laity present and voting at the meeting; but when such act or resolution shall be objected to by *either of the three estates*, a vote shall be taken thereon, by separate

chambers, and if difference still subsists when such vote is to be taken, then the subject under consideration shall stand over for further consideration to the ensuing Synod."

The Diocese of *Huron* declares in its constitution, "No act or resolution shall become law without the concurrence of the Bishop and a majority of the Clergy and Laity present, provided that, ordinarily, the votes of the whole Synod shall be taken collectively; but that, at the desire of the Bishop, or at the request of five clergymen, or of five laymen, the votes of each of the above named orders shall be taken separately."

The Synod of *Nova Scotia* declares as follows: "The vote of each order shall be taken separately, such vote being determined by the majority of the members present and voting in each order. And no act or resolution of the Diocesan Assembly shall be valid which shall not have received the concurrent assent of the Bishop, the Clergy, and the Laity."

The diocese of *Adelaide* in South Australia, has declared that "No rule shall be binding on the members of the church in this diocese which shall not have received the concurrent assent of the Bishop, the chapter of clergy, and the convention in the Diocesan Assembly."

And the important diocese of *Cape Town* at the Cape of Good Hope, recognizes the episcopal authority and veto as follows: "The clergy and laity shall, ordinarily, sit and deliberate together, the Bishop presiding, and shall vote as one body, but any member of the Synod may demand a vote by orders, in which case no resolution shall be regarded as adopted by the Synod unless carried by a majority of each order and assented to by the Bishop."

Then there is an express enactment of the Legislature of Victoria, to be found in "An Act to enable

the Bishops, Clergy and Laity, of the United Church of England and Ireland, in Victoria, to provide for the regulation of the affairs of the said Church," which is as follows : " Every regulation, act and resolution of such Assembly, made by the Bishop, and the Clergy and Laity thereat, respecting the affairs of the said Church, including all advowsons and right of patronage, shall be binding on every such Bishop and his successors, and on the Clergy and lay members of the said Church, residing within the Diocese for which such Assembly shall have been convened, and on none other, and on them only so far as such regulation, act or resolution may concern the position, rights, duties and liabilities of any minister or member of the said United Church, or any person in communion therewith in regard of his ministry, membership, or communion, or may concern the advowson or right of patronage or management of the property of the said Church. Provided that no such regulation, act or resolution shall be valid, except it be made with the concurrence of a majority, both of the Clergy and of the Laity, the votes of the clergy and those of the laity separately taken, and *except it receive the assent of the Bishop.*"

To these may be added the Diocese of *Melbourne*, five dioceses in *New Zealand* those of *Tasmania*, *Natal*, *Sydney*, and *New Castle*, with *Montreal*, making in all sixteen Dioceses, in every one of which the veto has been adopted.

The episcopal authority being thus recognized as an essential element of the United Church of England and Ireland, in every portion of the dominions of the Crown, it remains to be ascertained whence the idea of excluding it from that Church has been found. It seems that the Association above named have derived it from the United States of America, in all but one of

which, it is urged, that the episcopal authority, in the form of a negative upon the proceedings of the Clergy and laity, is not vested in the Bishops. A glance at the history of the Church government in the United States will suffice to shew why their government, in matters clerical, any more than in those political, should not be introduced into Her Majesty's dominions. It is urged that the episcopal church in the United States has been successfully managed since the Revolution. It may have been so, and so may have been the Presbyterian, Methodist, Congregational, and Roman Catholic churches, but this affords no excuse for attempting to disparage the Church of the United Kingdom of England and Ireland, at home or abroad, by comparing it with the episcopal church of the United States. If such attempts be continued, it is believed that a sufficient number of old country people and their descendants, members of the United Church of England and Ireland, will be found in the Diocese of Quebec, to form a majority determined to maintain the excellence of their own church in preference to any other.

The Episcopal Church in the United States has grown out of the republican institutions which there predominate. It has, for the want of a better, been resorted to as a substitute for the United Church of England and Ireland. At the time of the American Revolution the episcopal Church in the Colonies was comprised of Members of the Church, subjects of the king of England. The Church there was aided and supported by the Society for the Propagation of the Gospel in foreign parts. So soon as the Colonies achieved their independence, the members of the Church of England there, ceased to be members of the Church of England, and they, as a natural consequence, lost their aid from the Society. The King



of England was, no longer, the head of any church in the United States. The sovereignty of the people, at once, became substituted for that of the king. The members of the Church of England, in the old Colonies, were thus compelled, by circumstances, to create a church form of government, and it is quite natural they should do so in conformity with the institutions of the United States.

But, even in the United States, there is now a decidedly progressive tendency towards conservatism in the discipline of the Episcopal Church, as evinced in North Carolina so recently as the month of May last. The Annual Convention of the Diocese of that state assembled on the 4th of May, 1859. The principal work of this convention was the consideration and adoption of a new code, both constitutional and canonical, which was then assimilated, more to that of Vermont, as in their new, or amended constitution, the principle of the episcopal veto was adopted so far as to recognize, in the Bishop, the right to dissent from any canon affecting his own authority or the spiritual condition of the Diocese.

The foregoing statement and considerations are submitted in the hope that the principles of Church government and discipline of the United Church of England and Ireland, may be maintained among members of that Church in the Diocese of Quebec, that it will adhere to them as strictly, as the Diocese of Montreal has recently done, where, upon a vote in the Synod upon the Bishop's veto, there could be found but seventeen members, (from among forty-five of the clergy and ninety-one of the laity) who were in favor of abolishing it.

The members of the Church of England having, throughout the entire foreign British possessions, so far maintained the constitution of their Church, it

remains to be seen whether the Diocese of Quebec will be the first to deviate from so fundamental a principle of their church government as to remove the main pillar of its strength, the authority of its Bishop.

The constitution recently adopted for the District of Montreal, which does not very materially vary from those of the other Dioceses, might, it is conceived, with some modifications, be adopted with advantage at Quebec, with a provision defining, with greater precision, the qualification of voters at the election of delegates, as the absence of this has already led to much misunderstanding at the elections.

On motion of J. W. Dunscomb, Esq., seconded by Henry LeMesurier, Esq., the above report was adopted by acclamation, and ordered to be printed.

J. D. ARMSTRONG,

Chairman.